

21 JUL 1977

: Mr. Cary

APPROVED FOR RELEASE 1993
CIA HISTORICAL REVIEW PROGRAM

DATE OF REQUEST

77-2531

FROM : DTC

SUSPENSE DATE

SUBJECT: House Select Committee on Assassinations - Non-Disclosure Agreement

77-071736

House Select Committee on Assassinations - Non-Disclosure

NOTES



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...Select Committee on Assassinations ...
...Chief Counsel, HSCA, ...
...Memorandum of Understanding ...
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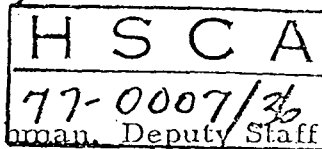
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Journal - Office of Legislative Counsel
Thursday - 14 July 1977

HSCA *Grinwis*
Page 2

7. (Secret - PG) LIAISON Michael J. Hershman, Deputy Staff Director, Subcommittee on International Organizations, House International Relations Committee, Beverley Lumpkin and William Garvelink, of the Subcommittee staff, visited C&RS Conference Room this date in order to review files. While they were here, Miss Lumpkin and Mr. Garvelink signed Nondisclosure Agreements and the matter of our dealings with NSA was discussed with Mr. Hershman. (See Memorandum for the Record.)

8. (Unclassified - RJK) LIAISON Called Clare Buchanan, Senate Foreign Relations Committee staff, and informed her that DOD could update the background investigations of Seth Tillman and John Ritch, of the Committee staff, if the Chairman sends a letter making such a request to DOD. She indicated that she would move on this immediately.

9. (Internal Use Only - DTC) LIAISON I met briefly with Representative Louis Stokes (D., Ohio), Chairman, House Select Committee on Assassinations, and then Mr. G. Robert Blakey, Chief Counsel and Staff Director of the Committee, on security matters and a Nondisclosure Agreement. (See Memorandum for the Record.) In addition, Chairman Stokes gave me a letter which was addressed to the DCI and concerned the termination of clearance status of two House Select Committee on Assassinations staffers.

10. (Unclassified - RSG) LIAISON Returned a telephone call from the office of the Resident Commissioner Baltasar Corrada (D., Puerto Rico). The Commissioner's press secretary, Bernardo Guerra, indicated that he was gathering general information on many agencies of the Executive Branch and wished to visit the CIA with other members of the staff to "talk about the CIA." I responded that I thought the best way to start was to send him a general kit of public information on the Agency, which hopefully would satisfy his informational needs. A kit was provided by A/DCI/PA and forwarded to the Office of the Resident Commissioner, Puerto Rico, Attention: Bernardo Guerra, Room 1319 Longworth House Office Building.

GEORGE L. CARY
Legislative Counsel

cc:

O/DDCI

Mr. Grinwis

Ex. Sec.

DDI DDA DDS&T

Mr. Lapham

Mr. Hetu

SA/DO/O

IC Staff

Comptroller

NIO

1-8947

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OLC RECORDED COPY

OLC 77-2981

20 July 1977

Gundh

H S C A
77-0007/36

MEMORANDUM FOR THE RECORD

SUBJECT: House Select Committee on Assassinations - Non-Disclosure Agreement (U)

1. (IUO) On 16 June, after receiving the concurrence of Representative Louis Stokes (D., Ohio), Chairman, House Select Committee on Assassinations (HSAC), I provided Mr. Stephen J. Fallis, Deputy Chief Counsel, HSCA, copies of sterile Non-Disclosure Agreements and a Memorandum of Understanding that had been worked out with the Subcommittee on International Organizations, House Committee on International Relations, and the House Committee on Standards of Official Conduct. I heard nothing more from Mr. Fallis on this matter until the late morning of 14 July when I received a telephone call from Mr. James Wolf, HSCA staff. In this call, he informed me that they had drawn up their own Non-Disclosure Agreement (NDA) on the staff and they wished to have us examine it. I told him that I would come down in the afternoon to go over it with them and then return to the Agency so that others might review the agreement. When I called Wolf back in the afternoon to tell him when I would be there, Mr. G. Robert Blakey, Chief Counsel and Staff Director, HSCA, got on the phone to tell me that there was a meeting of the HSCA scheduled for 1000 hours on 15 July and that he would like to have our concurrence on the NDA prior to the meeting. I told him that this was pretty short notice but I would do what I could.

2. (IUO) I met with Mr. Blakey in Chairman Stokes' office at 1600 hours on 14 July. He showed me the agreement that they had developed and, in very strict legal terms, explained his rationale for certain points which were included. From a quick scan, the Agreement looked good and tight and only a couple of points raised a question.

3. (C) I returned to Headquarters at 1730 hours and immediately provided copies of this Agreement to Mr. Richard Rininger, OGC, and Mr. Sidney Stenbridge, Deputy Director of Security.

4. (C) At 0915 hours on 15 July, Mr. Lyle Miller, Deputy Legislative Counsel, Mr. Rininger, OGC, Mr. Don Burns, OS, and the undersigned met to review the HSCA NDA. Several concerns were expressed with Paragraph 2 and it was agreed that it would be more appropriate to substitute the phrase "pursuant to statute and executive orders" rather than citing one section of Title 5 U.S.C. (For example, this suggested change would cover any reference to communications intelligence). Further down in Paragraph 2, reference is made to personal staff representatives of HSCA

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2. IMPDET CL BY <i>Signer</i>

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members and while it was understood Mr. Blakey's motive was to keep personal staff under control by including mention of them in the Agreement, we felt that this might signal to them or to some members that they were being given access which could prove unfortunate. It was decided to try and alter this approach.

5. (IUO) In Paragraph 3, it was elected to attempt to strengthen the DCI's role in determining, together with the Chairman, whether or not information is classified.

6. (IUO) At 0955 hours, Mr. Miller discussed the points in the above paragraphs by phone with Mr. Blakey. In addition, other minor points were raised with Blakey in the conversation. Although Mr. Miller did not give Blakey our approval of the paper, he told him that with the exception of the points in Paragraphs 2 and 3, we wished to reserve on, it generally appeared to be an acceptable work. He did tell Blakey that we would sit down and negotiate the points that he had raised.

Douglas T. Cummins
Douglas T. Cummins

Chief, Coordination and Review Staff
Office of Legislative Counsel

Distribution:

- Original - OLC Subject
- 1 - OLC Chrono
- 1 - OGC (Rininger)
- 1 - OS (Burns)
- 1 - IG (Leader)
- 1 - O/SA/DO/O (Walker)

OLC:DTC:hms (20 July 1977)

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**APPROVED FOR RELEASE 1993
CIA HISTORICAL REVIEW PROGRAM**

**MEMORANDUM OF UNDERSTANDING
BETWEEN THE DIRECTOR OF CENTRAL INTELLIGENCE
AND THE HOUSE SELECT COMMITTEE ON ASSASSINATIONS**

I. Preparation of Materials

A. The Central Intelligence Agency (CIA) will cooperate fully in the investigations conducted by the Select Committee on Assassinations either by providing access to classified information bearing on the studies and investigations authorized by H. Res. 222, which is within the releasing authority of the CIA, or by identifying both the document in which such information is contained and the office outside of CIA which has authority to release such information, for such information within the possession of, but not within the releasing authority of CIA, as requested.

B. Documentary material will be made available as expeditiously and completely as feasible, subject to the responsibility of the Director of Central Intelligence (DCI) to protect sensitive intelligence sources and methods. CIA will appropriately sanitize, including excising if necessary, such information to assure protection of information identifying sensitive sources and methods. When an excision is made, CIA will indicate the nature of the source or method excised, including the functional intelligence discipline which was the source of the intelligence.

C. The sole purpose for sanitizing material is to prevent the risk of disclosure of sensitive intelligence sources and methods and it shall be accomplished in a fashion which enables the Committee to have the details necessary to properly understand and evaluate the information involved. No document or portion of a document will be withheld without appropriate acknowledgement. Further, the Committee shall submit periodically a list of identities that cannot be excised from materials with which the CIA shall comply unless CIA provides appropriate notice otherwise to the Committee.

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OLC RECORD COPY

APPROVED FOR RELEASE 1993
CIA HISTORICAL REVIEW PROGRAM

OLC 77-3379
21 July 1977

Guidelines

H S C A

77-0007/44

MEMORANDUM FOR THE RECORD

SUBJECT: Meeting between Director and Representative Louis Stokes (D., Ohio), Chairman, House Select Committee on Assassinations

1. (U/IUO) The Director met with Representative Louis Stokes (D., Ohio), Chairman, House Select Committee on Assassinations, in accordance with correspondence that they had exchanged in late May and early June of this year.

2. (U) Present from the Select Committee were:

Richardson Preyer (D., N.Car.) - In charge of the investigation of the assassination of President John F. Kennedy

Samuel L. Devine (R., Ohio) - Ranking Minority Member

Delegate Walter E. Fauntroy (D., D.C.) - In charge of the investigation of the assassination of Dr. Martin Luther King

3. (U) Present from the Committee staff were:

G. Robert Blakey - Chief Counsel and Staff Director
James Wolf - Legal Unit Counsel

4. (U) Accompanying the Director were:

Sidney Stembridge, Deputy Director of Security
George L. Cary, Legislative Counsel
Douglas T. Cummins, Assistant Legislative Counsel

5. (C) Chairman Stokes opened the meeting thanking the Director for suggesting the meeting and for the cooperation that the Committee had had from the Agency. The Director responded to the Chairman by stating that he wished the Agency to be fully cooperative with the Committee and gave the

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Chairman his personal assurance in this regard. The subject of the Non-Disclosure Agreement (NDA) and Memorandum of Understanding (MOU) was introduced by the Director and after several exchanges, Mr. Blakey noted that he felt these agreements could be worked out by September. Both the DCI and the Chairman expressed strong interest in having this accomplished in a much shorter time. The subject of security--specifically leaks to the press--was also discussed and both sides agreed that every effort would be made to avoid such a problem. The meeting broke up after about 20 minutes with expressions of good will and pledges of cooperation from all parties.

3. (U/IUO) After the meeting, Mr. Blakey and Mr. Wolf approached Messrs. Cary, Stenbridge and the undersigned, and it was agreed that we would have Mr. Blakey out to the CIA Headquarters in the very near future for orientation and to discuss the NDA and MOU.

Douglas T. Cummins
Douglas T. Cummins

Chief, Coordination and Review Staff
Office of Legislative Counsel

cc: Mr. Stenbridge, DD/OS
Mr. Walker, O/SA/DO/O
Mr. Leader, O/IG

Distribution:

Orig - OLC/Subj
1 - OLC/Chrono
OLC/DTC/ksn (10 Aug 77)

~~CONFIDENTIAL~~



CENTRAL INTELLIGENCE AGENCY

Office of Legislative Counsel

Washington, D. C. 20505

Telephone: 351-6121 (Code 143-6121)

27 July 1977

TO: Mr. G. Robert Blakey
House Select Committee on Assassinations
3331 House Annex #2

Dear Bob:

I haven't forgotten our commitment and I know how important it is to you, and to us as well, to make as rapid progress as possible in moving forward with your investigation. As you know, we finally boiled down to two major issues remaining. Enclosed please find a substitute for your paragraph VII for your mulling over, while I continue to see what we can do to resolve the other issue, and make the less important fine-tuning recommendations.

Sincerely,

Lyle L. Miller
Deputy Legislative Counsel

Enclosure

FORM 1533 6-68 CROSOLETE PREVIOUS EDITIONS

(40)

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Guidelines
H S C A
77-0007/A

APPROVED FOR RELEASE 1993
CIA HISTORICAL REVIEW PROGRAM

FROM

Central Intelligence Agency

NO. Q387594

DATE

Washington, D. C. 20505

27 July 1977

TYPE OF MATERIAL

TO: Mr. G. Robert Blakey

ENVELOPE (S)

House Select Committee on

PACKAGE (S)

Assassinations

OTHER

3331 House Annex #2

LOG DATA

DATE AND TIME OF PICK-UP

7-27-77
1630

COURIER'S INITIALS

ORIGINATING
OFFICE LOG

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VII. Disclosure of Information

There will be no public disclosure of CIA material made available to the Committee prior to consultation with the DCI and a reasonable opportunity for a security review. Any objections to public disclosure will be communicated to the Committee within five working days of receipt of notice from the Committee that public disclosure is being considered. If, after receipt of the objections, the Committee determines that there is a compelling need to make public disclosure of the information in the performance of its responsibilities, and if the DCI continues to oppose disclosure, the DCI will submit the matter to the President. The Committee will accept a determination by the President that disclosure would be likely to cause a grave injury to national defense or foreign relations or to compromise sources and methods of intelligence gathering, and that such injury outweighs the Committee's explanation of public interest in disclosure.

VIII. Recognition

It is the intent of the Committee and of the DCI that this Memorandum of Understanding will govern all matters to which it pertains; but it is also recognized that the execution of this Memorandum of Understanding does not constitute a waiver of the rights, privileges, and responsibilities incumbent upon the parties under the Constitution, under statute, and under the Rules of the House of Representatives. In consequence, the Committee reserves all of its legal rights concerning the production of information. This agreement is without prejudice to the position of the Committee and of the House of Representatives that the House and its committees have the legal right to require the production of information in the possession of the Executive Branch and to make such use, including public disclosure, of information produced under legal compulsion as they may deem is appropriate in accordance with the Rules of the House.

~~INTERNAL USE ONLY~~

**APPROVED FOR RELEASE 1993
CIA HISTORICAL REVIEW PROGRAM**

HSCA

JOURNAL

OFFICE OF LEGISLATIVE COUNSEL

Wednesday - 27 July 1977

Gundh.

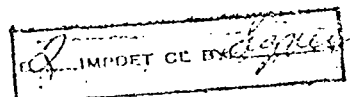
H S C A
77-0007/33

5-1

1. (Unclassified - KSN) LIAISON At the request of Mr. Lyle Miller, I sent by courier to Mr. G. Robert Blakey, House Select Committee on Assassination staff, substitute language for the Committee's nondisclosure agreement.
2. (Internal Use Only - THW) LIAISON I spoke with Norvill Jones, Staff Director of the Senate Foreign Relations Committee, and Jack Brady, Chief of Staff of the House International Relations Committee, with respect to Ambassador Sullivan's request to see the transcripts of the briefings of the above Committees by the Director on the sale of AWACS to Iran and asked for their position on whether the transcripts should be shown to Ambassador Sullivan. Mr. Brady said he had no objection to allowing Ambassador Sullivan to see the transcript. Mr. Jones said that he would check with Chairman John Sparkman (D., Ala.), Senate Foreign Relations Committee, and get back to me.
3. (Internal Use Only - THW) BRIEFING I accompanied Bob Layton, ORPA, Paul Kinsinger, OER, and Robert Hepworth, DDI/CSS, to a briefing of the Subcommittee on Africa, House International Relations Committee, on South Africa, its military capabilities and inventory, and its relations with other South African nations. (See Memorandum for the Record.)
4. (Unclassified - KJS) LIAISON Martha, on the staff of Senator Dale Bumpers (D., Ark.), called to request some information on the CIA. I sent the brochure on the CIA and the publication entitled, "Intelligence in the War of Independence," to her.
5. (Unclassified - KJS) LIAISON Janet, on the staff of Representative James R. Mann (D., S.C.), called to inquire about CIA tours. I advised her that this program has not yet been approved, and took her address and telephone number so that we can contact her when we receive further details.

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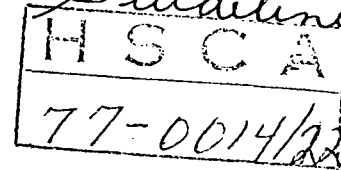


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CIA HISTORICAL REVIEW PROGRAM

OLC RECORD COPY

OLC 77-3310

1 August 1977



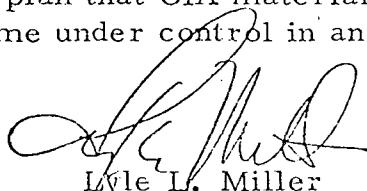
MEMORANDUM FOR THE RECORD

SUBJECT: Discussions with Jim Wolf, on the staff of the House Select Committee on Assassinations, re Memorandum of Understanding

1. (U) In the absence of Bob Blakey, Chief Counsel and Director, House Select Committee on Assassinations, had a series of discussions with Jim Wolf, also on the Committee staff, negotiating the Memorandum of Understanding between the Director and the Committee.

2. (U) By the time we had completed our discussions, Wolf was in a position to say that he could report to the Committee on 2 August that great progress has been made and that we are apart on only one issue: the auditing of our excisions. My suggestions with respect to paragraphs IA, B, and C appear to be completely acceptable. On the other major issue, the disclosure information provision, Wolf agreed, subject to Blakey's ratification, that litigation under the Memorandum of Understanding must reach to the merits of the case, otherwise the Committee is bound to provide under legal compulsion, i.e., subpoena. George Jameson, OGC, will determine the views of the Civil Division, Department of Justice, on this formula. I told Wolf that I would hope we could conclude the Memorandum of Understanding when I returned from official travel next week, at which time we should have a fairly final position on their proposal for auditing our excisions. I said this greatly troubled me because of the precedent it establishes, despite the fact that such a procedure was favorably commented upon in the Moss case by Judge Leventhal. I said it was unfortunate that Blakey did not view the IOB as a credible mechanism for the audit task.

3. (U) Re the ultimate disposition of the Committee files, Wolf seems to be leaning towards the plan that CIA material reviewed by the Committee be kept for a fixed time under control in an Agency repository.

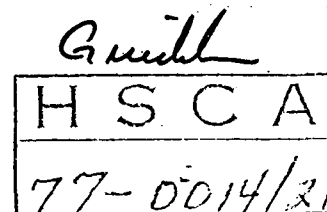

Lyle L. Miller
Deputy Legislative Counsel

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APPROVED FOR RELEASE 1993
CIA HISTORICAL REVIEW PROGRAM

OGC 77-4986
3 August 1977

14-00000
OLC #77- 3272



MEMORANDUM FOR: Legislative Counsel

FROM : Wm. George Jameson
Office of General Counsel

SUBJECT : House Select Committee on Assassinations: Negotiations
for a Memorandum of Understanding and Nondisclosure
Agreement

1. This memorandum sets forth my comments about the conversations that have occurred over the last few days regarding provisions to be included in a nondisclosure agreement and memorandum of understanding with the House Select Committee on Assassinations.

2. My understanding of the situation when I was called by Lyle Miller to discuss the implications of the United States v. AT&T opinion on these negotiations was that the position of the Committee's Chief Counsel, Mr. Blakey, was that if the Committee intended to disclose information despite objections of the DCI, the DCI could seek an injunction against disclosure. The position of this Agency would have permitted the DCI to submit the matter to the President for resolution; the Committee would accept a determination by the President that the disclosures would be likely to cause a grave injury to national defense or foreign relations or to compromise sources and methods of intelligence gathering and that such injury outweighed the Committee's explanation for disclosure in the public interest.

3. My consultation with the Department of Justice confirmed the belief within this Office that the DCI should not be placed in a position of having to seek an injunction to prevent a disclosure by the Committee. Essentially, the burden of proof is greater when seeking an injunction in such an instance than it would be if the executive branch were to defend nondisclosure in a proceeding brought by the Committee, e.g., subpoena. In a telephone conversation on 1 August 1977 between Lyle Miller, Jim Wolf, another congressional staffer, and myself, a modified option was suggested which would require the DCI to seek an injunction to prevent disclosure, but which would provide for the Committee to agree not to release the materials if the court were to find the issue a nonjusticiable political question.

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4. The benefit that such a proposal offers is that it permits the Agency no less chance than the Committee of winning on the merits, and it assures nondisclosure if the case is not decided on the merits. This eliminates our initial concern that any finding of a political question, if the DCI were to seek an injunction, ordinarily would maintain the status quo. The proposed compromise would mean that the Committee could not release the information under the terms of the agreement, but would have to return the material to the Agency.

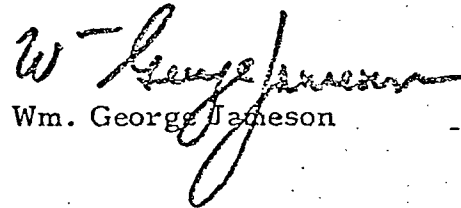
5. The Chief, Civil Division, Litigation Section, Dave Anderson, who had previously expressed reluctance at going to court to enjoin a congressional committee, also expressed reluctance to the modified proposal because he believed this was "playing games with the court." While I am not quite certain how this would be so, it seems to me not in our interest to require the Director, because of limitations written into a contract, to seek an injunction to prevent disclosure of Agency material, regardless of any outcome of a political question issue. [It should be noted that John Morrison could not see how this would be considered playing games. Nevertheless, it seems preferable, he agreed, not to have the DCI seek an injunction.] Very briefly, the major reason for this is that for a court to grant an injunction it must be shown an "irreparable harm" that would result from a disclosure of the information. The standard for classifying information under Executive Order 11652 is, at most, "exceptionally grave damage to the national security." There are no such standards for protecting intelligence sources and methods. The burden of proof in seeking an injunction would be greater to meet than it would be if the DCI were being sued to release material which he maintains is either classified or which would reveal intelligence sources and methods. There is no benefit to us in having this burden imposed.

6. I have not yet contacted Mr. Blakey with the procedure you suggested, used with the SSCI, that the DCI be permitted to have his decision confirmed by the President, with the entire House of Representatives able to override the President and require disclosure. My major concern with this route, and that of John Morrison, is that it permits the entire Congress access to information in order to make an informed decision. This not only increases risks of disclosure (this in itself is increased disclosure, even if House Rule XI permits members to have access to this information anyway) but also seems to violate our past assertions, perhaps only implied, that such methods of resolution were adopted with the SSCI only because it is an oversight body.

7. The second unresolved issue involves the degree to which our characterization of the items deleted from documents provided to the Committee may be verified. Mr. Blakey has agreed to be security "cleared" and to sign appropriate secrecy agreements to enable him to have access to unedited copies of the material provided to the Committee. He would report

to the Committee whether or not our characterizations were correct, but would not report specifically what information has been deleted. While this offer seems reasonable, there is of course a principle that would be violated if this were to be accepted; namely that the Agency, pursuant to the Director's responsibilities for protecting sources and methods, need not provide such access. A possible compromise, particularly if the DCI were in favor of greater openness and cooperation with the Committee, might be to permit Mr. Blakey to review unedited materials in all but the most sensitive instances. For example, sensitive sources or intelligence targets and sensitive ongoing operations still might be deleted and a generic term substituted. This compromise would show our good faith, while not compromising a principle.

8. In summary, it is my opinion that, while we should cooperate with the Committee, there is no reason to bargain away the Director's statutory authority. Particularly because the burden of proof involved in seeking an injunction would be greater, and because this responsibility to protect sources and methods need not be bargained away, we should continue to argue against any terms in the agreement to the effect that the Committee may overrule the DCI's judgment. While the practical result of an agreement that gives the DCI the last word may still require the DCI to seek an injunction if the Committee decides to disclose information, it will have been clear that the DCI seeks an injunction reluctantly, and not pursuant to any agreement. Finally, as indicated previously, while I generally do not favor verification measures, a compromise on verification procedures could be suggested, and I would be less hesitant to provide access to unedited documents where sources or methods are not involved. I understand you intend to discuss this matter with the Director. I shall contact you for his response before resuming these discussions with Mr. Blakey.


Wm. George Jameson



CENTRAL INTELLIGENCE AGENCY

Office of Legislative Counsel

Washington, D. C. 20505

Telephone: 351-6121 (Code 143-6121)

10 August 1977

TO: Mr. James Wolf
Select Committee on Assassinations
House of Representatives

Jim:

Here is the Memorandum of Understanding just out of the typewriter. I have not had a chance to look at it yet but wanted to get it on up to you as soon as possible.

Lyle

FORM 1533 OBSOLETE
6-68 PREVIOUS EDITIONS

(40)

FROM

Central Intelligence Agency

Washington, D. C. 20505

TO: Mr. James Wolf
House Select Committee on Assassinations

House Select Committee on Assassinations
Room 2000 - 2nd Floor
Washington, D. C. 20505

LOG DATA

NO. Q387600

DATE

TYPE OF MATERIAL

ENVELOPE (S)

PACKAGE (S)

OTHER

DATE AND TIME OF PICK-UP

P-11-27

COURIER'S INITIALS

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Form #23
10 AUG

Guidelines
HSCA
77-0014/23

APPROVED FOR RELEASE 1993
CIA HISTORICAL REVIEW PROGRAM

18954

MEMORANDUM OF UNDERSTANDING
BETWEEN THE DIRECTOR OF CENTRAL INTELLIGENCE
AND THE SELECT COMMITTEE ON ASSASSINATIONS

APPROVED FOR RELEASE 1993
CIA HISTORICAL REVIEW PROGRAM

I. Preparation of Materials

A. The Central Intelligence Agency (CIA) will cooperate fully in the investigations conducted by the Select Committee on Assassinations (Committee) by providing access, as requested, to classified information within the releasing authority of the CIA, and held by the CIA, that bears upon the study and investigation authorized by H. Res. 222. CIA will notify the Committee of any requested information held by CIA not within the releasing authority of the CIA, and notify the Committee of the proper authority to contact to obtain the information. No document or a portion of the document in the possession of CIA will be withheld without written notice of that action to the Committee. Access to all classified information designated for protection from unauthorized disclosure by the Director of Central Intelligence (DCI) and currently held by any federal agency or department shall be governed by this memorandum.

B. Documentary material will be made available as expeditiously and completely as feasible, subject to the responsibility of the DCI to protect sensitive intelligence sources and methods. The Committee and CIA will periodically agree upon a list of sensitive sources or methods identities that will not be excised from materials turned over to the Committee. Subject to the list of sensitive sources or methods identities that will not be deleted, CIA will appropriately sanitize, including excising if necessary, information to assure protection of information identifying sensitive sources and methods. When an excision is made, CIA will indicate the nature of the source or method excised, including the functional intelligence discipline which was the source of the intelligence.

C. The Chief Counsel Chairman of the Select Committee on Assassinations and Director the DCI shall periodically select meet monthly to discuss a random sample of the complete and unsanitized materials, and have access to such materials, for the purpose of verifying the appropriateness of the sanitizing done by the CIA.

D. In making any excisions or other alterations of requested materials, CIA shall be bound by 18 U.S.C. Subsection 1505 and all other applicable statutes.

II. Request Procedure

A. The CIA element responsible for dealing with the Committee is the Coordination and Review Staff of the Office of Legislative Counsel (C&RS/OLC). All Committee requests for information will be conveyed to CIA only via the Coordination and Review Staff. Absent extraordinary circumstances, appointments with CIA employees and former employees will be arranged through the Coordination and Review Staff.

B. All Committee requests for information will be in writing. In the interest of timely response, C&RS/OLC will accept preliminary telephone or other oral requests, but no information can be made available until a request is received in writing from the Chief Counsel or one of the Deputy Chief Counsels.

III. Staff Clearance

Prior to access by Committee personnel to any material which has been designated for protection from unauthorized disclosure by the DCI, such Committee personnel will be granted security clearance by the Committee after consultation with the CIA. Committee personnel requiring access to such material will be required to execute, in advance, ~~a secrecy agreement mutually acceptable to the Committee and DCI~~ the attached Select Committee on Assassinations Nondisclosure Agreement.

IV. Transcripts of Statements Under Oath

A steno-typist from either the Committee or the CIA will make a verbatim record of all statements of current CIA personnel taken under oath. One copy of the record will be made available to the Committee and the other to the CIA in accordance with the Rules of the Committee.

V. Examination of Material

Materials to which access has been granted by CIA will be reviewed in a CIA reading room set aside for this purpose or in a designated area within the Committee's offices.

VI. Storage of Materials

A. Committee procedures for control and storage of any documents or materials provided by the CIA which require protection will follow security standards and procedures established in consultation with, and approved by, the CIA.

B. Upon the termination of the Committee, all materials provided by CIA and examined by the Committee will be kept and preserved within a segregated and secure area within CIA for at least 50 30 years unless the DCI and the House of Representatives agree to a shorter period of time.

VII. Disclosure of Information

A. The Committee will notify the DCI in writing of its desire to disclose, in any manner, including under the Select Committee on Assassinations Nondisclosure Agreement, any information that is designated for protection from unauthorized disclosure by the DCI. If within five days the Committee does not receive ~~within 5 days~~ a letter from the DCI objecting to the proposed disclosure and stating the reasons for the objection, the Committee may disclose the information.

B. If the DCI notifies the Committee within five days that he objects to the proposed disclosure and states the reasons for his objections, the Chairman of the Committee and the DCI, or their designated representatives, shall meet to attempt to resolve any differences over the information to be disclosed. The DCI and Committee agree that any differences that cannot be resolved in this manner shall may be settled by litigation. If litigation is brought, the DCI and Committee agree that in any such suit, each party may assert all its constitutional, statutory and legal rights, and the DCI and Committee agree to be bound by the ultimate resolution of any such lawsuit, including any appeals taken from it. If a lawsuit is brought and a court does not decide the issue of disclosure on its merits, the Committee agrees that the information will not be disclosed under the terms of this Agreement. This Agreement, however, is without prejudice to any of the Committee's other rights, privileges and responsibilities concerning the production and disclosure of the information, and the DCI's rights, privileges and responsibilities concerning the protection from disclosure of the information.

Director of Central Intelligence

Chairman

Date

Date